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12 IN THE UNITED STATES DISTRICT COURT

13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.
17 ERIC FELDMANN,

18 Defendant.

19 CASE NO. 1:24-CR-00038-JLT-SKO

20 **STIPULATION TO CONTINUE CHANGE OF
21 PLEA HEARING AND ORDER THEREON**

22 **STIPULATION**

23 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
24 through defendant's counsel of record, hereby stipulate as follows:

25 1. By previous order, this matter was set for a change of plea hearing on April 1, 2024, at 9:00
26 a.m. with an exclusion of time. [ECF 7] The Court then continued the change of plea hearing to May 6,
27 2024, and excluded time. [ECF 11]

28 2. Now, the defendant seeks to continue the change of plea hearing to May 28, 2024, at 9:00
a.m. The proposed change of plea date represents the earliest date that all counsel are available, taking
into account counsels' schedules, defense counsels' commitments to other clients, and the court's
available dates for a change of plea hearing.

29 3. The parties agree and stipulate, and request that the Court find the following:

30 a) The discovery associated with this case includes voluminous investigative reports,
31 body camera footage, search warrants, and other documents.

b) Defense counsel requests the additional time to prepare for the change of plea hearing, meet with his client, and review the plea agreement. The parties have finalized and filed a plea agreement. In addition defense counsel needs additional time to meet with his client.

c) Counsel for the defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) The defendant is currently in custody.

f) The parties agree that time should be excluded because failure to grant the requested case schedule would unreasonably deny the defendant continuity of counsel, and unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the parties' due diligence in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv). Based on the above-stated findings, the ends of justice served by the schedule as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act. Therefore, the parties request that the Court exclude the time from May 6, 2024, to the change of plea hearing date on May 28, 2024, from calculations under the Speedy Trial Act.

IT IS SO STIPULATED.

Dated: May 3, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ Cody Chapple
JUSTIN J. GILIO
CODY S. CHAPPLE
Assistant United States Attorney

Dated: May 3, 2024

/s/ Michael E. Mitchell
MICHAEL E. MITCHELL
Attorney for Defendant
ERIC FELDMANN

ORDER

IT IS HEREBY ORDERED that the Change of Plea hearing set for May 6, 2024, is continued to May 28, 2024. The period from May 6, 2024, through May 28, 2024, shall be excluded pursuant to Fed. R. Crim. P. 17.1; 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: **May 3, 2024**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE